

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **August 8, 2006**

AGENDA ITEM NO.: 7

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **REZONING: CS Door Service, 1000 Miller Park Square from B-3, Community Business District (Conditional) to B-3, Community Business District (Conditional).**

RECOMMENDATION: Approval of the requested rezoning petition.

SUMMARY: CS Door Service is petitioning to rezone approximately twenty-three hundredths (0.23) of an acre at 1000 Miller Park Square from B-3, Community Business District (Conditional) to B-3, Community Business District (Conditional) to amend the existing proffers for the subject property and allow the use of the existing building as a door and door hardware showroom. The Planning Commission recommended approval of the rezoning because:

- Petition agrees with the Comprehensive Plan which recommends a Community Commercial land use in this area.
- Petition agrees with the Zoning Ordinance in that retail sales and service businesses of this type are allowed in a B-3, Community Business District.
- Petition proposes to amend the existing proffers for the subject property to allow the use of the existing building as a door and door hardware showroom, offices and indoor storage of inventory.

PRIOR ACTION(S):

July 12, 2006: Planning Division recommended approval of the rezoning. Planning Commission recommended approval (4-0, with 3 absent, Hamilton, Flint and Bacon) with the following voluntarily submitted proffers:

1. The subject property shall be developed in substantial compliance with the site plan received by the Department of Community Development on June 30, 2006.
2. The subject property will be used as a general retail site, which may include any or all of the following: offices, showrooms, conference rooms and interior storage of inventory. Any other uses of the subject property will be in accordance with the B-1, limited business, zoning classification.
3. The existing tree at the Park Street side of the property will be preserved as shown on the site plan received by the Department of Community Development on June 30, 2006.
4. All outdoor lighting will be glare-shielded and directed to prevent illumination across the property lines.

FISCAL IMPACT: N/A

CONTACT:
Tom Martin/ 455-3909

ATTACHMENT(S):

- Ordinance

- PC Report
- PC Minutes
- Vicinity Zoning Pattern
- Vicinity Proposed Land Use
- Site Plan
- Proffers
- Speaker Sign-Up sheet

REVIEWED BY: Ikp

ORDINANCE

AN ORDINANCE CHANGING A CERTAIN AREA FROM B-3, COMMUNITY BUSINESS DISTRICT (CONDITIONAL) TO B-3, COMMUNITY BUSINESS DISTRICT (CONDITIONAL).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, general welfare, and good zoning practice that Chapter 35.1 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.1-76.____, which section shall read as follows:

Section 35.1-76.____. Change of a certain area from B-3, Community Business District (Conditional) to B-3, Community Business District (Conditional).

The area embraced within the following boundaries . . .

Beginning at a point on the northeasterly line of Miller Park Square 104.9 feet southeast of its intersection with Park Avenue, thence N 55° 21' E 141.64 feet to a point in the dividing line between lots 3 and 4; thence S 33° 59' E 48.00 feet to a point at the southeasterly line of Park Avenue; thence S 57° 35' W 156.30 feet to the point of intersection of Park Avenue and Miller Park Square; thence following the Right-of-Way of Miller Park Square S 34° 48' E 104.9 feet to the point of beginning, being part of Lots 1, 2 and 3 of Hutter Addition.

. . . is hereby changed from B-3, Community Business District (Conditional) to B-3, Community Business District (Conditional), subject to the conditions setout hereinbelow which were voluntarily proffered in writing by the owner, namely: Dr. Rick Krason, Animal Emergency Clinic of Central Virginia, Inc., to wit:

1. The subject property shall be developed in substantial compliance with the site plan received by the Department of Community Development on June 30, 2006.
2. The subject property will be used as a general retail site, which may include any or all of the following: offices, showrooms, conference rooms and interior storage of inventory. Any other uses of the subject property will be in accordance with the B-1, limited business, zoning classification.
3. The existing tree at the Park Street side of the property will be preserved as shown on the site plan received by the Department of Community Development on June 30, 2006.
4. All outdoor lighting will be glare-shielded and directed to prevent illumination across the property lines.

And the Director of Community Planning and Development shall forthwith cause the "Official Zoning Map of Lynchburg, Virginia," referred to in Section 35.1-4 of this chapter to be amended in accordance therewith.

Adopted:

Certified:

Clerk of Council

091L

The Department of Community Development
City Hall, Lynchburg, VA 24504

434-455-3900

To: Planning Commission

From: Planning Division

Date: July 12, 2006

Re: **REZONING: B-3C, Community Business District (conditional) to B-3C, Community Business District (conditional) for twenty-three hundredths (0.23) of an acre at 1000 Miller Park Square.**

I. PETITIONER

CS Door Service, 190 North Park Trail, Monroe, VA 24574

Representatives: Cliff, Donna and Adam Salvia, CS Door Service, 190 North Park Trail, Monroe, VA 24574

II. LOCATION

The subject property includes a tract of about twenty-three hundredths (0.23) of an acre located at 1000 Miller Park Square, also known as Valuation Number 011-21-010.

Property Owner: Dr. Rick Krason, Animal Emergency Clinic of Central Virginia, Inc., 1705 Memorial Avenue, Lynchburg, VA 24501.

III. PURPOSE

The purpose of this petition is to amend the existing proffers for the subject property to allow the use of the existing building as a door and door hardware showroom.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan which recommends a Community Commercial land use in this area.
- Petition agrees with the Zoning Ordinance in that retail sales and service businesses of this type are allowed in a B-3, Community Business District.
- Petition proposes to amend the existing proffers for the subject property to allow the use of the existing building as a door and door hardware showroom, offices and indoor storage of inventory.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends a Community Commercial use in this area. Community Commercial areas contain retail, personal service, entertainment and restaurant uses that draw customers from at least several neighborhoods up to the entire City. Given existing zoning and adjacent land use patterns, the proposed retail is suitable for the property.
2. **Zoning.** The subject property was annexed into the City in 1908. The existing B-3C, Community Business District (conditional) zoning was established November 11, 1989 with the approval of the rezoning by City Council.
3. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances will be needed for the proposed retail facility.
4. **Proffers.** The petitioner voluntarily submitted the following proffer(s) with the rezoning application:
 - 1) The subject property shall be developed in substantial compliance with the site plan received by the Department of Community Development on June 30, 2006.

2) The subject property will be used as a general retail site, which may include any or all of the following: offices, showrooms, conference rooms and interior storage of inventory. Any other uses of the subject property will be in accordance with the B-1, limited business, zoning classification.

3) The existing tree at the Park Street side of the property will be preserved as shown on the site plan received by the Department of Community Development on June 30, 2006.

4) All outdoor lighting will be glare-shielded and directed to prevent illumination across the property lines.

5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

- On September 10, 2002, City Council denied The Salvation Army's CUP petition for the operation of a group home for up to 6 women and children in an existing structure at 805 Stuart Street.
- On June 11, 1996, City Council approved The Salvation Army's CUP petition for the operation of a child care center at their 2215 Park Avenue office.
- On June 8, 1993, City Council approved The Salvation Army's CUP petition for the operation of an emergency shelter for up to 7 women and children in an existing house at 807 Walnut Street.
- On November 11, 1989, City Council approved Animal Emergency Clinic of Central Virginia's CUP petition, as well as their petition to rezone approximately twenty-three hundredths (0.23) of an acre at 1000 Miller Park Square from B-1, Limited Business District, to B-3C, Community Business District (Conditional), to allow the operation of a veterinary hospital with indoor kennels in an existing structure.
- On June 11, 1985, City Council approved The Salvation Army's CUP petition for a game room addition to their office at 2215 Park Avenue.
- On February 22, 1979, City Council approved The Salvation Army's CUP petition for a new office building at 2215 Park Avenue.

6. **Site Description.** The subject property includes an existing vacant building, formerly used by Animal Emergency Clinic of Central Virginia as a veterinary office with indoor kennels. The site is bounded to the north and east by a combination of single-family homes and duplexes, to the southeast by commercial uses, to the southwest by Miller Park and to the west (across Miller Park Square) by a vacant commercial building.

7. **Proposed Use of Property.** The purpose of the rezoning is to allow use of an existing building as a door and door hardware showroom. CS Door Service, LLC is a family-owned business specializing in the sales and service of hollow-metal and wood doors, as well as door hardware for commercial applications to contractors, institutions and other commercial entities in the Central Virginia Area. The petitioners wish to relocate their existing business from Monroe to the City.

The petitioners propose to renovate the interior of the existing building for their business. On the exterior, they propose to preserve the existing tree adjacent to Park Avenue, as well as add new trees, shrubs and landscape berms to screen an existing fenced utility area and the parking lot.

8. **Traffic and Parking.** The City's Traffic Engineer had no comments regarding the proposed rezoning.

Parking requirements for the proposed retail sales and service use are established by the City's Zoning Ordinance at one (1) space per three hundred (300) square feet of gross floor area and one (1) space for each three (3) employees on duty at any one time. The proposed retail use will

have eight hundred (800) square feet of gross floor area and two (2) employees which will require three (3) off-street parking spaces. A total of three (3) parking spaces will be provided, thus meeting the requirement of City Code.

9. **Storm Water Management.** New impervious areas do not exceed 1,000 square feet; as such, a stormwater management plan will not be required for the construction. Though not required, the tress, shrubs and berms will provide new low-maintenance greenspace which will result in slightly less runoff and an improved stormwater quality benefit from the site.
10. **Emergency Services.** The City's Fire Marshal and the City Police Department had no comments on the proposed rezoning.
11. **Impact.** The use of an existing vacant building as a door and door hardware showroom will have limited impacts on the surrounding neighborhood. The petitioners propose to renovate the interior of the existing building for their business. On the exterior, they propose to preserve the existing tree adjacent to Park Avenue, as well as add new trees, shrubs and landscape berms to screen an existing fenced utility area and the parking lot. Although the petitioners are not required to meet the requirements of the landscape ordinance (since they do not intend to expand or enlarge the existing building), they have agreed to preserve and install new landscaping that would meet the intent newly adopted ordinance.

The City's Traffic Engineer, Fire Marshal and the Police Department's North Division had no comments regarding the proposed rezoning. New impervious areas do not exceed 1,000 square feet; as such, a stormwater management plan will not be required for the construction. Though not required, the tress, shrubs and berms will provide new low-maintenance greenspace which will result in slightly less runoff and an improved stormwater quality benefit from the site.

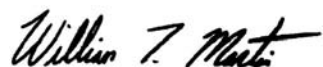
12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on June 20, 2006. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

That the Planning Commission waives the twenty-one (21) day submittal requirements for proffers.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council the approval of CS Door Service's petition to rezone twenty-three hundredths (0.23) of an acre at 1000 Miller Park from B-3C, Community Business District (conditional) to B-3C, Community Business District (conditional) to amend the existing proffers for the subject property to allow the use of the existing building as a door and door hardware showroom, offices and indoor storage of inventory.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Mr. J. Lee Newland, Director of Engineering
Capt. Michael L. Thomas, Fire Marshal
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau

Capt. Todd Swisher, Lynchburg Police Department North Division
Capt. J.P. Stokes, Lynchburg Police Department East Division
Capt. Al Thomas, Lynchburg Police Department South Division
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Administrator
Mrs. Erin B. Hawkins, Environmental Planner
Mr. Kent White, Senior Planner
Mrs. Donna Salvia, Petitioner

VII. ATTACHMENTS

1. Vicinity Zoning Pattern
(see attached map)
2. Vicinity Proposed Land Use
(see attached map)
3. Site Plan
(see attached site plans)
4. Proffers
(see attached)

MINUTES FROM THE JULY 12 PLANNING COMMISSION MEETING

Petition of C.S. Door Service, LLC to rezone approximately .33 acres at 1000 Miller Park Square from B-3, Community Business District (Conditional) to B-3, Community Business District (Conditional) to amend previously approved proffers.

Mr. Tom Martin, City Planner, explained that the current zoning of the property at 1000 Miller Park Square was appropriate, but the proffers limited the use of the site for a veterinary hospital only. If the site is not used for veterinary services, he continued, then the zoning would go back to B-1 uses, which was strictly office use. He added that the petitioner requested that the proffers be amended so they could operate their door company out of the site, and noted that the Comprehensive Plan recommended a community commercial use for the property. Mr. Martin said there would not be any major changes to the building, and that the Planning Division recommended approval of the request.

Ms. Donna Salvia, 190 North Park Trail, Monroe, Virginia, explained that she was one of three petitioners and would answer any questions that the Commission might have regarding the request.

Vice Chair Barnes said the request was very clear and would not involve a major change for the property.

Commissioner Worthington made the following motion, which was seconded by Commissioner Sale and passed by the following vote:

“That the Planning Commission recommends to City Council the approval of CS Do Service’s petition to rezone twenty-three hundredths (0.23) of an acre at 1000 Miller Park from B-3C, Community Business District (conditional) to B-3C, Community Business District (conditional) to amend the existing proffers for the subject property to allow the use of the existing building as a door and door hardware showroom, offices and indoor storage of inventory.”

| | | |
|------------------|------------------------------------|---|
| AYES: | Barnes, Oglesby, Sale, Worthington | 4 |
| NOES: | | 0 |
| ABSTENTIONS: | | 0 |
| ABSTEN: | Flint, Hamilton | 2 |
| POSITION VACANT: | | 1 |

CS DOOR SERVICE
1000 Miller Park Square
Map # 011-12-010
Rezoning from B-3C to B-3C
Petitioner: Cliff & Donna Salvia

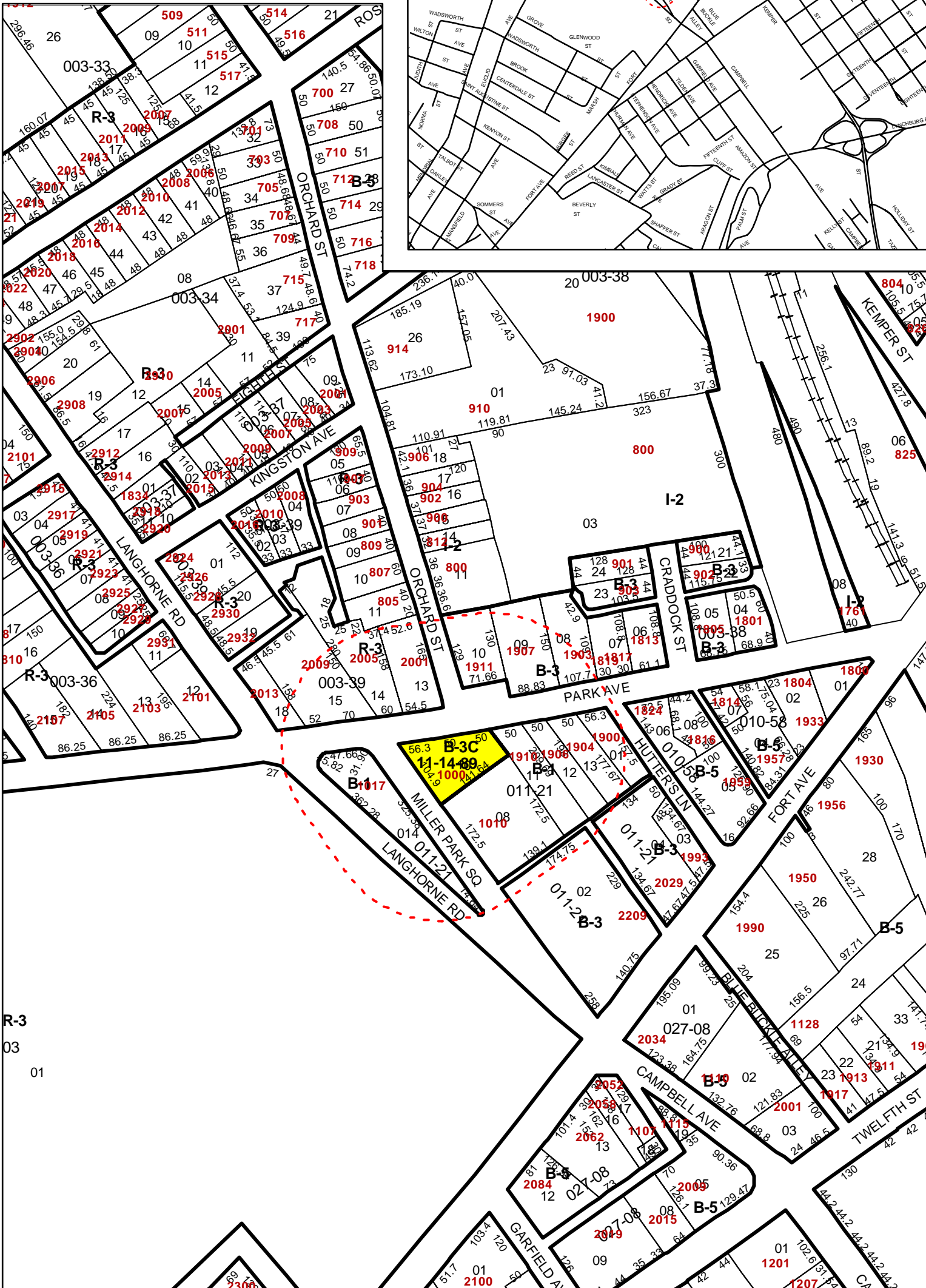
MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT

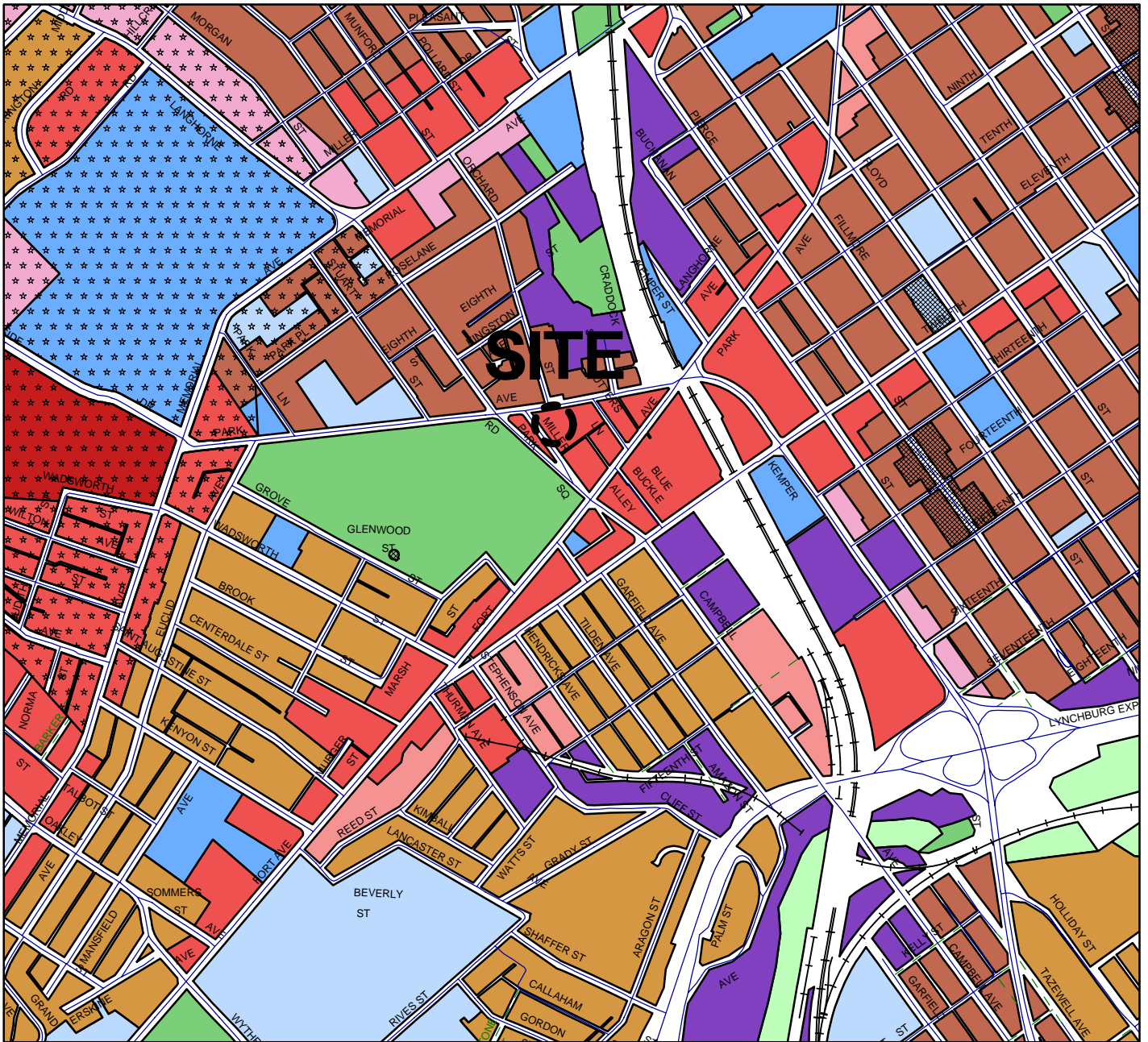


Subject Property



200 ft Radius



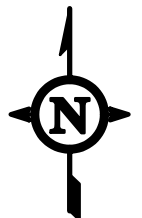


- Public Parks
- Resource Conservation
- Public Use
- Institution
- Downtown
- Office
- Employment 1
- Employment 2
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Traditional Residential
- LocalHistoricDistrict
- MixedLandUse

CS DOOR SERVICE

1000 MILLER PARK SQUARE

LAND USE PLAN



Current Zoning of Property: B-3 Conditional w/Proffers
Proposed Zoning of Property: B-3 Conditional w/Proffers (amended)

Size of offices and showroom is 800 sq. ft.

One parking space is required for every 300 sq. ft.

The property has 3 parking spaces plus 2 additional spaces on the street directly in front of the building. All are shown on the drawing.

Parking areas are 20' plus from adjacent property lines.

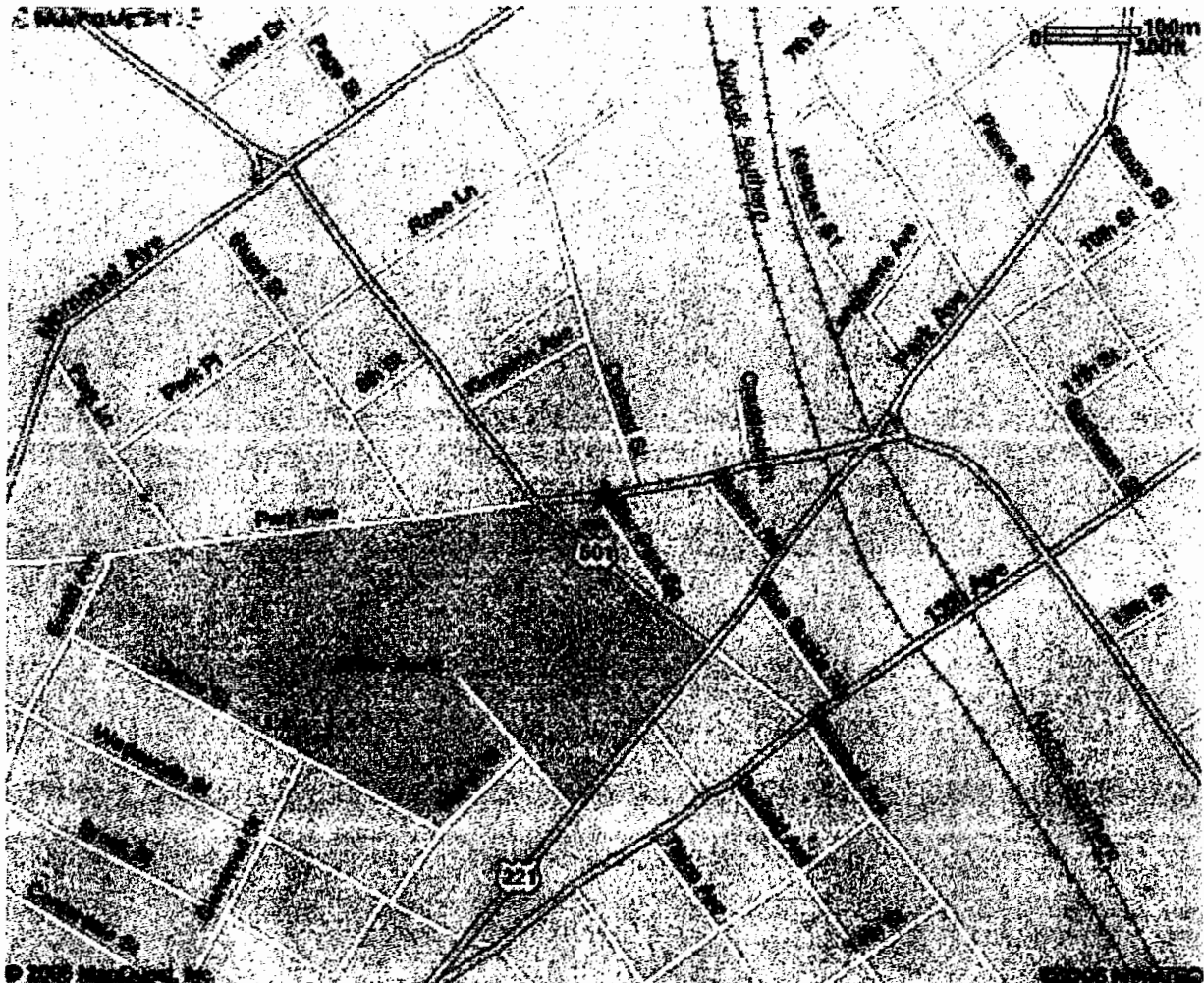
Curb and gutter already exist along front and Park St. side of property.

Driveway is adequate to serve as fire lane.

No additional grading and/or finishing of property will be necessary for parking as all is existing blacktop.

City Water and City Sewer are currently on property.

Project Number: REZ0606-0001
Project Name: CS Door Service
Location: 1000 Miller Park Square



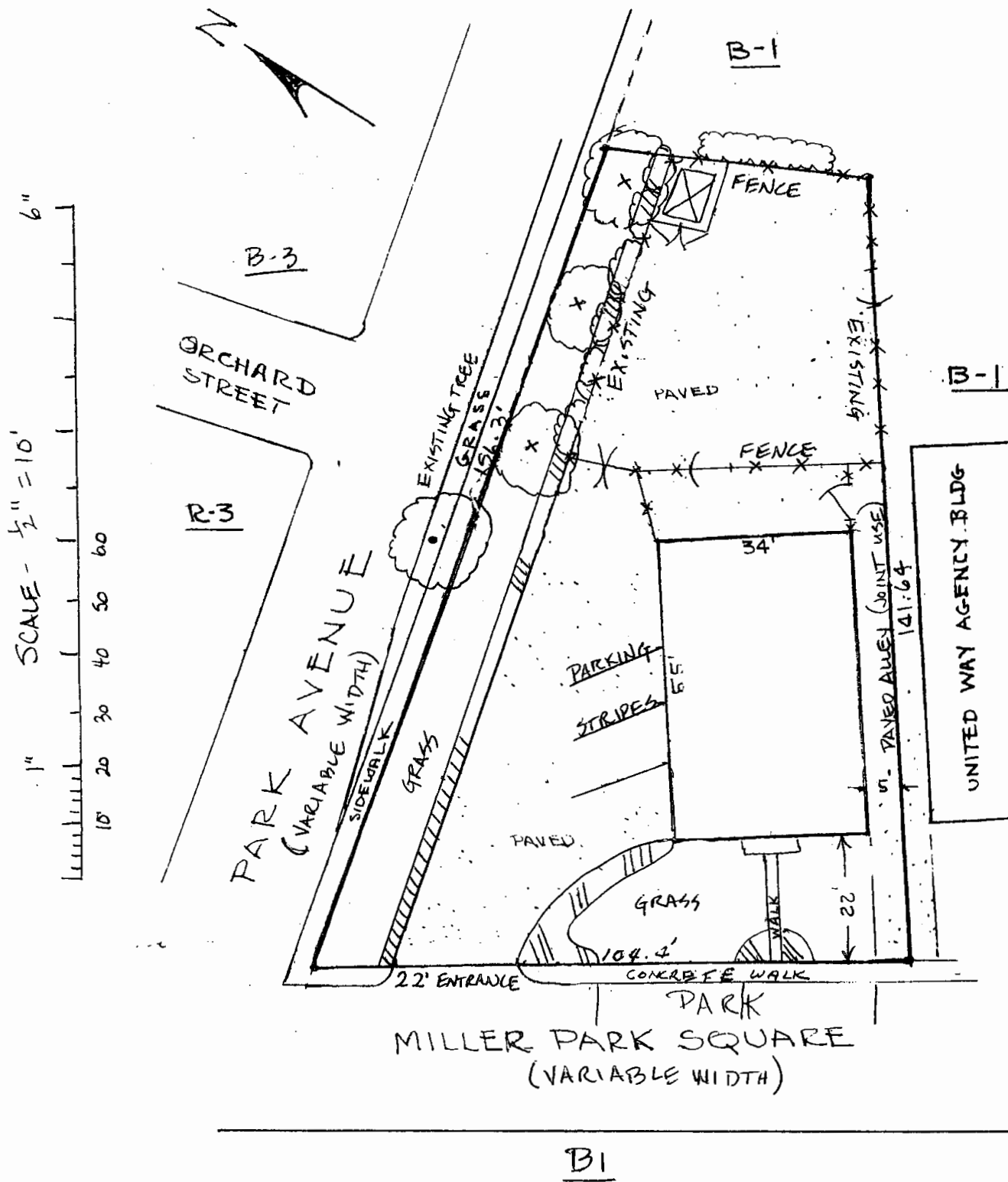
Vicinity Map

RECEIVED
JUN 30 2006
**COMMUNITY PLANNING
& DEVELOPMENT**

Project Number: REZ0606-0001
Project Name: CS Door Service
Site Address: 1000 Miller Park Square

Petitioner's Name: Cliff & Donna Salvia
Adam Salvia
190 N. Park Trail
Monroe, VA 24574

Owner's Name: Animal Emergency Clinic of
Central Virginia, Inc.
c/o Dr. Rick Krason
1705 Memorial Ave.
Lynchburg, VA 24501



KEY

- Existing Evergreen Row
- Existing Fence
- Proposed Dumpster Site Enclosed by Wood Fencing

- Proposed Mulch Beds
- Proposed Crabapple Plantings
- Proposed Forsythia Plantings

RECEIVED
JUN 30 2006
COMMUNITY PLANNING
& DEVELOPMENT

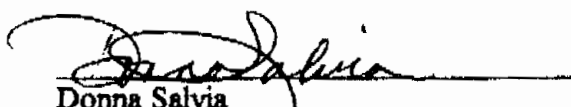
June 30, 2006

City of Lynchburg
Planning Commission

RE: CS Door Service, LLC
Change of Proffers

Proffers:

1. The subject property will be developed in substantial compliance with the site plan received by the Department of Community Planning & Development on June 30, 2006.
2. The subject property will be used as a general retail site, which may include any or all of the following: offices, show rooms, conference rooms and interior storage of inventory. Any other uses of the subject property will be in accordance with the B-1, limited business, zoning classification.
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4. All outdoor lighting will be glare-shielded and directed to prevent illumination across property lines.



Donna Salvia
CS Door Service

July 12, 2006

[illegible]